IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4504 OF 1993

Madhukar Damodar Walke ..Petitioner.

Vs.

Janata Shikshan Sanstha, Pune

& Ors. ..Respondents.

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Mr.P.K.Hushing for the Petitioner.

Mr.C.R.Sonawane, AGP for Respondent Nos.3, 4 and 6.

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CORAM : A.P.SHAH,

DR.D.Y.CHANDRACHUD, JJ.

15th June, 2005.

P.C. :

1. The Challenge is to the letter dated 16th October, 1992 issued by the Director of Education, State of Maharashtra and the letter dated 11th March, 1993 issued by the Education Officer (Secondary), Zilla Parishad, Pune. The Petitioner is B.Com from the University of Pune and he has also passed "Rashtrabhasha Pandit" examination held

by Maharashtra Rashtrabhasha Sabha, Pune, which is equivalent to B.A. In 1991, the Petitioner passed "Hindi Shikshan Parangat" examination held by the Kendriya Hindi Shikshak Mahavidaylaya, Agra. According to the Petitioner this examination which is commonly known as "Parangat" is equivalent to B.T. or B.Ed. examination. The Petitioner has been working as an assistant teacher in the school conducted by Respondent No.1 institution since 1985. The school was recognized in June 1987 and subsequently the school became an aided school. By the impugned letter dated 20th July, 1992, the Petitioner was informed that a degree certificate obtained by correspondence from the university outside the State of Maharashtra cannot be recognized within the State of Maharashtra. Consequently the Education Officer issued a letter dated 11th March 1993 directing the management not to treat the Petitioner as a trained teacher.

2 Mr.Hushing, learned counsel appearing for the Petitioner has fairly conceded that in view of the policy decision taken by the State Government, the qualification for Hindi Shikshan Parangat cannot be treated as equivalent to the B.Ed. However, he

prayed that having regard to the fact that the Petitioner has been in service since last more than 20 years, he should be given further time to acquire the necessary qualification. The prayer of the learned Counsel seems to be just and reasonable and deserves to be accepted. The respondents are directed to grant five years time to the Petitioner to acquire the B.Ed. degree from a recognized institution. If the Petitioner fails to acquire the B.Ed. degree within a period of five years, he will be liable to be treated as untrained teacher and will be entitled to receive the salary of an untrained teacher only. The Petition is accordingly disposed of.

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